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EXAMINER	
AL AUBAIDI, RASHA S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	**Application No.** 10/677,213	**Applicant(s)** RUI ET AL.	
	Examiner RASHA S. AL AUBAIDI	**Art Unit** 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2009*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13,15-35,37-62,64-83 and 85-95* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-11, 13, 15-35, 37-62, 64-83 and 85-95* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/01/2009 has been entered.

Response to Amendment

2. This in response to amendment filed 07/01/2009. No claims have been added. Claim 14 has been canceled. Claims 1, 27, 41, 71 and 91 have been amended. Claims 1-11, 13, 15-35, 37-62, 64-83 and 85-95 are still pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-11, 13, 15-28, 30-35, 37-46, 48-52, 54-62, 64-69, 72-83 and 85-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (US Patent Application, Pub. No.: 2002/0093531 A1) in view of Williams (Pub.No.: 2004/0158614) and further in view of Cope et al. (US PAT # 7,242,755).

claims 1 and 27, Barile discloses a method and computer-readable medium having computer-executable instructions that upon execution, facilitate a computing device in performing operations comprising: receiving an identifier (e.g., caller ID information) of a first participant of a plurality of participants of a multi-party conference (See pg. 3, paragraph [0031]; receiving a first signal (e.g., audio signal) indicating that the first participant is providing information to the multi-party conference; and displaying a first indication (e.g., video image) that the first participant is providing information to the multi-party conference in response to the received first signal (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]), wherein the first indication comprises displaying the identifier at a position within a list of identifiers of the plurality of participants designated for a participant providing information to the multi-party conference (See pg. 3, paragraph [0035]).

Barile does not specifically teach that “displaying the identifier at a top position”.

However, Williams teaches that participant P7 was originally positioned at the top of the queue 18, may request (e.g., request 50) to be removed from the queue 18 at step 116. Next, the apparatus 10 may grant conference participant P7 the data transmission privileges at step 118. Now that the request 50 of conference participant P7 no longer occupies the top position in the queue 18, the request 52 of conference participant P2 is moved to the top of the queue 18 (step 120) [see 0056]. Williams basically teaches allowing a participant to move from one position to another (i.e., to position).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of allowing participants to move from one position to another top position, as taught by Williams, into the Barile’s system in order to ***assign priority*** to participant who is taking a role or speaking in the conference call.

Neither Barile nor Williams alone or in combination specifically teach “wherein the identifier of the first participant comprises a location associated with the first participant”.

However, Cope teaches in a dynamic routing for a telephone conference call, the routing system determines geographic locations of the conference systems and in response to the request, determines a geographic location of the one conference participant and processes the geographic locations of the conference systems and the one conference participant to select the one conference system (see col. 2, lines 50-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of determining the location of participants and based on that establishing the conference, as taught by Cope, into the combination of Barile and Williams in order to enhance the efficiency of the conference call and provide the needed resources based on participant's location.

In regards to claims 2 and 42, Barile discloses the method and system, further comprising terminating the first signal (e.g., displaying the participant in a smaller window and/or not highlighting the window which displays the participant) when the first participant is no longer providing information to the multi-party conference (See pg. 3, paragraph [0030]).

In regards to claim 3, Barile discloses the method, further comprising terminating display (e.g., displaying the participant in a smaller window and/or not highlighting the window which displays the participant) of the first indication in response to termination of the first signal (See pg. 3, paragraph [0030]).

In regards to claims 4, 28, 43, and 44, Barile discloses the method, computer-readable medium, and system, further comprising: while displaying the first indication, displaying an identifier of a second participant of the plurality of participants without indicating that the second participant is providing information to the multi-party conference (See Fig. 3, Fig. 4, and pg. 3, paragraph [0031]).

In regards to claims 5 and 59, Barile discloses all of claims 5 and 29 limitations, except the method and computer-readable medium, wherein the first indication comprises displaying the identifier so as to flash. Barile, however, does disclose wherein the first indication comprises displaying the identifier using a preselected color scheme (See pg. 3, paragraph [0032], wherein the first indication comprises displaying the identifier as an animated (e.g., moving) graphic (e.g., images) (See pg. 3, paragraph [0033]), wherein the first indication comprises displaying the identifier using video (See pg. 1, paragraph [0008]), and wherein the first indication comprises displaying the identifier as a photograph (See Fig. 3). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the feature of displaying the identifier so as to flash, as a way of further indicating which participant is currently active or speaking.

In regards to claims 6 and 30, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier using a preselected color scheme (See pg. 3, paragraph [0032]).

In regards to claims 7 and 31, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier as an animated (e.g., moving) graphic (e.g., images) (See pg. 3, paragraph [0033]).

In regards to claims 8 and 32, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier using video (See pg. 1, paragraph [0008]).

In regards to claims 9 and 33, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier as a photograph (See Fig. 3).

In regards to claims 10 and 34, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier with a graphic proximate to the identifier of the first participant (See Fig. 5 and pg. 3, paragraph [0034]).

In regards to claims 11 and 35, Barile discloses the method and computer-readable medium, wherein the graphic proximate to the identifier of the first participant comprises text (See Fig. 5 and pg. 3, paragraph [0034]).

In regards to claims 13 and 37, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier of the first participant in an area of a display designated for a participant providing information to the multi-party conference (See pg. 1, paragraph [0007] and pg. 3, paragraph [0035]).

In regards to claims 15, 38, and 45, Barile discloses the method, computer-readable medium, and system, wherein the first signal is received when the first participant is speaking over an audio link (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]).

In regards to claim 16, Barile discloses the method, wherein the audio link comprises a telephone link (See pg. 3, paragraph [0038]).

In regards to claim 17, Barile discloses the method, wherein the audio link comprises a satellite link (See pg. 3, paragraph [0038]).

In regards to claim 18, Barile discloses the method, wherein the audio link comprises a voice over Internet Protocol (VoIP) link (See pg. 3-4, paragraph [0040]).

In regards to claim 19, Barile discloses the method, further comprising receiving information from a second participant of the plurality of participants via a network while the first participant is providing information to the multi-party conference (See Fig. 4, Fig. 5, and pg. 1, paragraph [0007]).\

In regards to claim 20, Barile discloses the method, wherein receiving information from the second participant further comprises receiving information via client-server communication over the network (See pg. 3-4, paragraph [0040]).

In regards to claim 21, Barile discloses the method, wherein receiving information from the second participant further comprises receiving information via peer-to-peer communication over the network (See Abstract).

In regards to claim 22, Barile discloses the method, wherein the network comprises the Internet (See pg. 3-4, paragraph [0040]).

In regards to claim 23, Barile discloses the method, wherein the network comprises a local area network (See pg. 3-4, paragraph [0040]).

In regards to claim 24, Barile discloses the method, wherein the network comprises a wireless network (See pg. 3, paragraph [0038]).

In regards to claims 25 and 39, Barile discloses the method and computer-readable medium, further comprising: concurrently with the first indication, displaying a second indication that a second participant of the plurality of participants is providing information to the multi-party conference in response to receiving a second signal concurrently with the first signal, the second signal indicating that the second participant is providing information to the multi-party conference (See Fig. 4, Fig. 5, and pg. 1, paragraph [0007]).

In regards to claims 26 and 40, Barile discloses the method and computer-accessible medium, further comprising suppressing an indication of a second participant of the plurality of participants in response to receiving a signal concurrently indicating that the second participant is providing information to the multi-party conference (See Fig. 4, Fig. 5, pg. 1, paragraph [0007], and pg. 2, paragraph [0026]).

Claim 41 is rejected for the same reasons as discussed above with respect to claim 1 and 27, respectively. Also for claim 41, Barile discloses a system for multi-party conferencing for a plurality of participants (See Abstract), the system comprising: a user interface (UI) (See Fig. 2 and display 30, which consist of windows 100 and 102); an information source indicator to cause the UI to display an identifier (e.g., video image) corresponding to a participant in response to receiving a signal (e.g. audio signal) that indicates that the participant is providing information to the multi-party conference, wherein the displayed identifier has a property that indicates that the participant is providing information to the multi-party conference (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]).

In regards to claim 46, Barile discloses the system, wherein the UI is to selectively display additional information received from the network while the participant is providing information to the multi-party conference (See Fig. 5 and pg. 3, paragraph [0034]).

In regards to claims 48 and 71, Barile discloses the method and computer-readable medium, wherein determining whether the detected acoustic signal was generated by a person further comprises: determining whether the detected acoustic signal was speech from an audio transducer device (See pg. 2, paragraph [0026]).

In regards to claims 49, 72, and 92, Barile discloses the method, computer-readable medium, and system, wherein the signal is transmitted over a network to participants of a multi-party conference (See pg. 1, paragraph [0001] – [0002]).

In regards to claims 50 and 73, Barile discloses the method and computer-readable medium, wherein determining whether the detected acoustic signal was generated by a person further comprises: receiving a frame of audio data derived from the detected acoustic signal; classifying the received frame based on spectral data of the received frame; and determining a source of a portion of the detected acoustic signal used to derive the frame based on the classification of the frame and a prior determination of a source of a detected acoustic signal portion (See pg. 2, paragraph [0027] – [0028]).

In regards to claims 51 and 74, Barile discloses the method and computer-readable medium, wherein the spectral data is obtained by performing a frequency transform on the frame of audio data (See pg. 4, paragraph [0043]).

In regards to claim 52, Barile discloses the method, wherein the spectral data is obtained by performing a fast Fourier transform (FFT) on the frame of audio data (See pg. 4, paragraph [0043]).

In regards to claims 54 and 75, Barile discloses the method and computer-readable medium, further comprising determining a first frequency band's energy and a second frequency band's energy from the spectral data (See pg. 4, paragraph [0043]).

In regards to claims 55 and 76, Barile discloses the method and computer-readable medium, wherein the first frequency band corresponds to a frequency range for consonants and the second frequency band corresponds to a frequency range for vowels (See pg. 4, paragraph [0043]).

In regards to claims 56 and 77, Barile discloses the method and computer-readable medium, further comprising classifying the frame as being generated by a person when the ratio of the energies of the first and second frequency bands exceeds a first predetermined threshold (See pg. 4, paragraph [0043]).

In regards to claims 57 and 78, Barile discloses the method and computer-readable medium, further comprising selectively classifying the frame as being from a different source when the ratio of the energies of the first and second frequency bands is below a second predetermined threshold (See pg. 4, paragraph [0043]).

In regards to claims 58 and 79, Barile discloses the method and computer-readable medium, further comprising selectively classifying the frame as having an unknown source when the ratio of the energies of the first and second frequency bands exceeds the second predetermined threshold and is below the first predetermined threshold, the second predetermined threshold being less than the first predetermined threshold (See pg. 4, paragraph [0043]).

In regards to claim 80, Barile discloses the method and computer-readable medium, further comprising determining whether the frame was derived from speech, wherein speech includes acoustic signals generated by a person speaking and acoustic signals generated by an audio transducer device (See pg. 2, paragraph [0026]).

In regards to claims 60 and 81, Barile discloses the method and computer-readable medium, further comprising determining noise floor energies of the first and second frequency bands using the spectral data, wherein a frame is selectively classified as being derived from speech in response to the energy of the first frequency band exceeding the noise floor energy of the first frequency band or the energy of the second frequency band exceeding the noise floor of the second frequency band, or both (See pg. 4, paragraph [0043]).

In regards to claims 61 and 83, Barile discloses the method and computer-readable medium, wherein classifying the received frame further comprises: determining whether a frame received within a predetermined number of frames relative to the received frame has substantially all of its energy in the second frequency band (See pg. 4, paragraph [0043]).

In regards to claims 62 and 82, Barile discloses the method and computer-readable medium, wherein classifying the received frame further comprises: determining whether a frame adjacent to the received frame was classified as derived from speech (See pg. 2, paragraph [0026]).

In regards to claims 63 and 84, Barile discloses the method and computer-readable medium, wherein classifying the received frame further comprises classifying the received frame as one of the plurality of predetermined frame types comprising a live-type frame; a phone-type frame; and an unsure-type frame, wherein live-type frames represent frames determined to be derived from acoustic signals generated by a person speaking, and phone-type frames represent frames determined to be derived from acoustic signals generated by an audio transducer device (See pg. 2, paragraph [0026] and pg. 4, paragraph [0042]).

In regards to claims 64 and 85, Barile discloses the method and computer-readable medium, further comprising determining the source of the detected acoustic signal to be an acoustic signal generated by a person, if: the prior determination of a source of a detected acoustic signal portion is that the source was an audio transducer device; the frame is classified as a live-type frame; and a predetermined number of prior frames includes live-type frames that exceed a predetermined live-type frame count threshold (See pg. 2, paragraph [0026] and pg. 4, paragraph [0042]).

In regard to claims 65 and 86, Barile discloses the method and computer-readable medium, further comprising determining the source of the detected acoustic signal to be unsure, if: the prior determination of a source of a detected acoustic signal portion is that the source was an audio transducer device; the frame is classified as a live-type frame; a predetermined number of most recent frames do not include enough live-type frames to exceed a predetermined threshold; and an elapsed time since receiving a previous frame derived from speech exceeds a predetermined first time threshold (See pg. 2, paragraph [0026] and pg. 4, paragraph [0042]).

In regards to claims 66 and 87, Barile discloses the method and computer-readable medium, further comprising determining the source of the detected acoustic signal to be an audio transducer device, if: the prior determination of a source of a detected acoustic signal portion is that the source was an acoustic signal generated by a person speaking; the frame is classified as a phone-type frame; an elapsed time since receiving a previous live-type frame exceeds a predetermined second time threshold; and a counter value does not exceed a predetermined count threshold, the counter value to track a number of consecutive non-live-type frames received after receiving a live-type frame of most recent frames do not include enough live-type frames to exceed a predetermined threshold (See pg. 2, paragraph [0026] and pg. 4, paragraph [0042]).

In regards to claims 67 and 88, Barile discloses the method and computer-readable medium, further comprising determining the source of the detected acoustic signal to be unsure, if: the prior determination of a source of a detected acoustic signal portion is that the source was an acoustic signal generated by a person speaking; the frame is classified as a phone-type frame; an elapsed time since receiving a previous live-type frame exceeds a predetermined second time threshold; and the counter value is below a predetermined count threshold, the counter value to track a number of consecutive non-live-type frames received after receiving a live-type frame of most recent frames do not include enough live-type frames to exceed a predetermined threshold (See pg. 2, paragraph [0026] and pg. 4, paragraph [0042]).

In regards to claims 68 and 89, Barile discloses the method and computer-readable medium, further comprising determining the source of the detected acoustic signal to be an acoustic signal generated by a person speaking, if: the prior determination of a source of a detected acoustic signal portion is unsure; the frame is classified as a live-type frame; and a predetermined number of most recent prior frames includes live-type frames that exceed in number a predetermined live-type frame count threshold (See pg. 2, paragraph [0026] and pg. 4, paragraph [0042]).

In regards to claims 69 and 90, Barile discloses the method and computer-readable medium, further comprising determining the source of the detected acoustic signal to be an acoustic transducer device, if: the prior determination of a source of a detected acoustic signal portion is unsure; the frame is classified as a phone-type frame; and a predetermined number of most recent prior frames includes phone-type frames that exceed in number a predetermined phone-type frame count threshold (See pg. 2, paragraph [0026] and pg. 4, paragraph [0042]).

In regards to claim 93, Barile discloses the system, wherein the audio discriminator is a component of the sourcing signaler (See pg. 2, paragraph [0026]).

4. Claims 47, 70 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (US Patent Application, Pub. No.: US 2002/0093531 A1), in view of Tackin et al. (Pub. No.: 20090052642)

In regards to claims 47 and 70, Barile discloses a method and computer-readable medium having computer-executable instructions that, upon execution, facilitate a computing device in performing operations comprising: via a first participant equipment (See Fig. 2 and mobile terminal 10): detecting an acoustic signal (e.g., audio signal); determining whether the detected acoustic signal (e.g., audio signal) was generated by a person speaking; and providing a signal (e.g., video signal) indicating to a second participant equipment (e.g., mobile terminal) that the detected acoustic signal (e.g., audio signal) was generated by the person (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]). Although the claimed feature of "wherein the parameters used to classify the frames include the high band noise floor energy, low band noise floor energy, frame high band energy, frame low band energy...etc" as recited in the language of claim 70 is considered obvious and well known in the art, however, Barile teaches in [0043] that frequency analysis could be performed on the audio samples, although such a process would be more processing-intensive than the above described processing. A Fast-Fourier Transform (FFT) or similar time-to-frequency conversion in the standard, high-energy portion of the speaker's voice band can be performed to determine that the speaker is indeed speaking and the audio signal coming from the remote participant is not ambient or network noise. Also, one may choose to set any types of parameters to classify the frames based on the need and desire. This limitation is considered a design choice of Applicant's that does not rise the invention to the level of patentability.

Barile does not specifically teach “receiving a frame of audio data derived from the detected acoustic signal; classifying the received frame based on spectral data of the received frame …etc".

However, Tackin teaches the use of a human voice detector service that monitors the signal received and analyzes that signal to determine the type of this received signal, whether it is a human voice or not [see 0475-0476]. Thus, the claimed features of “receiving a frame of audio data derived from the detected acoustic signal; classifying the received frame based on spectral data of the received frame …etc" as recited in the claim language is nothing but analyzing the received signal to determine whether it is a human voice or not.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of analyzing the signal in order to determine a human voice, as taught by Tackin, into the Barile’s system in order to provide a method of identification to participants in the conference call.

Claim 91 is rejected for the same reasons as discussed above with respect to claim 47 and 70. Also, a first participant equipment (See Fig. 2 and mobile terminal 10) including: an audio discriminator to determine whether a detected acoustic signal (e.g., audio signal) was generated by a person in speaking; and a source signaler to selectively provide a signal (e.g., video signal) indicating to a second participant equipment (e.g., mobile terminal) that the person is speaking in response to a determination by the audio discriminator that the detected acoustic signal (e.g., audio signal) was generated by the person in speaking (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]).

5. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (Pub. No.: US 2002/0093531 A1) in view of Tackin et al. (Pub. No.: 20090052642) and further in view of Burges et al. (US Patent Application, Pub. No.: US 2004/0260550 A1).

In regards to claim 53, Barile discloses all of claim 53 limitations, except the method, wherein the spectral data is obtained by performing a modulated complex lapped transform (MCLT) on the frame of audio data. Burges, however, does disclose wherein the spectral data is obtained by performing a modulated complex lapped transform (MCLT) on the frame of audio data (See pg. 8, paragraph [0096] – [0097]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the method, as a way of performing a spectral analysis for each frame, in order to extract audio features from each frame.

6. Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (US Patent Application, Pub. No.: US 2002/0093531 A1), in view of Tackin et al. (Pub. No.: 20090052642) And further in view of Holzrichter (US 6,006,175).

In regards to claim 94, Barile discloses all of claim 94 limitations, except a hidden Markov model (HMM) machine to determine whether the detected acoustic signal was sourced by an acoustic signal generated by a person speaking using the classification of the frame-type. Holzrichter, however, does disclose a hidden Markov model (HMM) machine to determine whether the detected acoustic signal was sourced by an acoustic signal generated by a person speaking using the classification of the frame-type (See col. 2 lines 54-60 and col. 55 lines 59-62). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of statistically identifying the phoneme being spoken in the examined time frame or frames by operating on the feature vectors.

7. Claim 95 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (US Patent Application, Pub. No.: US 2002/0093531 A1), in view of Tackin et al. (Pub. No.: 20090052642) and further in view of Braida et al. (US 6,317,716).

In regards to claim 95, Barile discloses all of claim 95 limitations, except a finite state machine (FSM) to determine whether the detected acoustic signal was sourced by an acoustic signal generated by a person speaking using the classification of the frame-type. Braida, however, does disclose a finite state machine (FSM) to determine whether the detected acoustic signal was sourced by an acoustic signal generated by a person speaking using the classification of the frame-type (See col. 10 lines 48-63). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of speech cueing, in which speech elements initially delivered by a speaker are recognized.

Response to Arguments

8. Applicant's arguments filed 07/01/2009 in regard to amended claims 1, 24 and 41 are moot in view of the new ground rejection. However, It is noted (page 29 of the Remarks) that Applicant is arguing limitation that are not cited in the claim's language such as “Barile does not appear to disclose or suggest that the video image identifier is to be replaced or substituted by the location of the participant”. The Examiner believes that this kind of language impels that this limitation is recited in the claim’s language and is not taught By Barile.

Applicant's arguments filed 07/01/2009 in regard to claims 70 and 91 have been fully considered but they are not persuasive.

Regarding claim 47, Applicant's argues (Pages 33-34 of the Remarks) that "Tackin fails to disclose a Predetermined frame types comprising a live-type frame, a phone-type frame ….etc". Applicant also adds, Tackin does not appear to be directed to determining the origination of the voice type.

The Examiner respectfully disagrees with Applicant's argument because Tackin clearly teaches a human voice detector service that monitors the signal received and analyzes that signal to determine the type of this received signal, whether it is a human voice or not [see 0475-0476]. Also, Tackin teaches that the human voice detector monitors the signal from the near end telephony device for voice. The described exemplary human voice detector estimates pitch period of an incoming telephony signal and compares the pitch period of said telephony signal to a plurality of thresholds to identify active voice samples [0471].

Also, for Applicant's argument regarding claims 70 and 91 (Pages 36-37 of the Remarks). The Examiner believes that claimed feature of "wherein the parameters used to classify the frames include the high band noise floor energy, low band noise floor energy, frame high band energy, frame low band energy...etc" as recited in the language of claim 70 is considered obvious and well known in the art. However, Barile teaches in [0043] that frequency analysis could be performed on the audio samples, although such a process would be more processing-intensive than the above described processing. A Fast-Fourier Transform (FFT) or similar time-to-frequency conversion in the standard, high-energy portion of the speaker's voice band can be performed to determine that the speaker is indeed speaking and the audio signal coming from the remote participant is not ambient or network noise. Also, one of an ordinary skill in the art may choose to set any types of parameters to classify the frames based on the need and desire. This limitation is considered a design choice of Applicant's that does not rise the invention to the level of patentability.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

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/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614